

## **SECTION 11**

### **ADMINISTRATION AND ENFORCEMENT**

- 11.1 Town Building Official
- 11.2 Interpretation of Regulations
- 11.3 Enforcement and Penalties
- 11.4 Certificates of Occupancy

### 11.1 Town Building Official

These Regulations shall be administered and enforced by the Town Building Official.

### 11.2 Interpretation Of Regulations

In their interpretation and application, the provisions of these Regulations shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by these Regulations to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions or the law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; not is it intended by these Regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these Regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings, or required larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenant or agreements, to provisions of these Regulations shall control.

### 11.3 Enforcement And Penalties

These Regulations shall be enforced by the Building Official, who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations. The owner or agent of a building or premises where a violation of any provision of said Regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or an entire premises where such violations shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which such violations shall exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the 1958 Revisions of the General Statutes and any amendment thereof.

### 11.4 Certificates Of Occupancy

- a. A certificate of occupancy shall be issued only after the proper completion, or appropriate portion thereof as determined by the Town Building Official, or the filing of a performance bond in favor of the Town of Glastonbury in an amount satisfactory to both the Town Manager and the Town Building Official for the uncompleted portion thereof.
- b. No land shall be occupied or used in violation of these Regulations and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, except for the alteration of or addition to a dwelling, until a certificate of occupancy shall have been issued by the Town Building Official, stating that the premises or building comply with all the provisions of these Regulations.

- c. Where the alteration does not require vacating the premises or where a part of the premises is finished and ready for occupancy before the completion of the alterations or, in the case of a new structure, before its completion, a conditional certificate of occupancy may be issued.
- d. No change or extension of use and no alteration shall be made in a non-conforming use of premises without a certificate of occupancy having first been issued by the Town Building Official that such change, extension of alteration is in conformity with the provisions of these Regulations.

## **SECTION 12**

### **REQUIREMENTS FOR SPECIAL PERMIT WITH DESIGN REVIEW APPROVAL**

- 12.1 Authorization for Special Permit
- 12.2 Requirement for Special Permit
- 12.3 Permitted Stipulations with Special Permit
- 12.4 Criteria for Evaluating Special Permit
- 12.5 Considerations for Approving Special Permit
- 12.6 Application for Special Permit
- 12.7 Substantial Construction Within One Year
- 12.8 Changes of Use or Exterior Alterations

## **SECTION 12**

### **REQUIREMENTS FOR SPECIAL PERMIT WITH DESIGN REVIEW APPROVAL**

#### **12.1 Authorization For Special Permit With Design Review Approval**

The Town Plan and Zoning Commission is authorized to grant a special permit with design review approval for the purpose of meeting the provisions of this section and these Regulations.

#### **12.2 Requirement For Special Permit With Design Review Approval**

In any instance involving a use or uses requiring a special permit with design review approval as set forth in Section 4 – Use Regulations and Section 5 – Table of Permitted Uses of these Regulations, land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only after receiving a special permit with design review approval in accordance with the provisions of this section.

#### **12.3 Permitted Stipulations With Special Permit With Design Review Approval**

The Commission, in approving a special permit with design review approval after applying these Regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design, architectural treatment and massing.

#### **12.4 Criteria For Evaluating A Special Permit With Design Review Approval**

The Commission shall consider and evaluate each and every application for a special permit with design review approval by applying, at a minimum, the following criteria:

- a. Appropriateness of Location or Use:
  1. The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Development, the specific zone and the neighborhood;
  2. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood, and conformity to any adopted neighborhood plan;
  3. The capacity of adjacent and feeder street to handle peak traffic loads and hazards created by the use;

4. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties;
  5. The overall effect on values and utilization of neighborhood properties;
  6. Unusual topography of the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site;
  7. The extent, nature and arrangement of parking facilities, entrances and exits;
  8. Problems of fire and police protection;
  9. The preservation of the character of the neighborhood;
  10. The availability of adequate sewerage and water supply;
  11. All other standards prescribed by these Regulations.
- b. Conformance: Conformance with the Glastonbury Building-Zone Regulations and, where appropriate, the Glastonbury Subdivision Regulations and any other applicable laws, codes or ordinances.
  - c. Safety, Health and Environment: Accessibility for emergency vehicles and equipment; property utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The Commission may seek reports on the application from the appropriate Town departments, such as the Police and Fire Departments, Town Sanitarian, Town Engineer, Town Building Official and Conservation Commission.
  - d. Overall Design, Architectural Treatment and Aesthetic Character: The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses between buildings or structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.

Findings as to design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes, and, by doing so, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided therefore.

## 12.5 Considerations For Approving A Special Permit With Design Review Approval

Prior to approving any application for a special permit with design review approval, the Commission shall consider, where applicable, the following items and evaluate them in terms of the criteria set forth in the preceding Section 12.4:

- a. Characteristics of the actual proposal:

1. The Site.
  - a.) The location, size and general topography of the property involved.
  - b.) The nature of the applicant's (and property owner's, if different) interest in such property and proposal.
  - c.) Site Layout - existing
    1. contours
    2. trees and shrubs
    3. special site features
    4. location and capacity of utilities
    5. existing use or uses, buildings and structures
    6. driveways and parking areas
  - d.) Site layout - proposed
    1. contours
    2. land, building and structure uses, whether residential or non-residential and land area assigned to each type of use
    3. percent land coverage by use – residential, non-residential, parking, usable open space, landscaping open space, other (specify)
    4. percent land coverage for all buildings and structures and by type of building or structure
    5. relationship between land uses and between land and buildings
  - e.) Pedestrian and vehicular circulation and flow
    1. location and dimensions of public and private street, and common drives
    2. location and dimensions of public and private pedestrian walkways, sidewalks, malls and paths
    3. existing and anticipated traffic flows
  - f.) Off-street parking
    1. location of off-street parking areas and/or facilities
    2. location, dimensions and number of off-street parking spaces
    3. location and dimensions of access and maneuvering lanes
    4. location and dimensions of parking barriers, bumper guards, wheel stops and the like

5. pavement type and drainage
  - g.) Open space
    1. location and amount of area by type – parks, lawn areas, landscaping, buffer areas, recreation facilities and the like.
  - h.) Landscaping
    1. planting schedule – type, number, and minimum size of trees and/or shrubs and other plants
    2. treatment of seeding, sodding and water elements
    3. pavement types, for vehicular and pedestrian movement and recreation areas
    4. type, height and density of any proposed screening or fencing
    5. provisions for year round maintenance of landscaping
  - i.) Utilities
    1. utilities proposed – water, sewage disposal, electric, gas and drainage
    2. capacity of proposed utilities and amount of additional flow produced for existing systems or water courses utilized
    3. location of piping, wiring, conduits, catch basins and the like
    4. if within an area not presently served, but within a water utility plan, the adaptability of the utility system to municipal services when provided
  - j.) Provisions for garbage collection and removal and for snow removal
2. The Building(s) and/or Structure(s)
- a.) Residential
    1. total number of dwelling units
    2. number of dwelling units by type of unit (1-bedroom, 2-bedroom, etc.) and the number of rooms within such type of unit
  - b.) Non-residential
    1. building or structure intensities – including the dimensions and gross square foot area by type of non-residential use
  - c.) General architectural design and appearance
  - d.) Relationship between and massing of buildings or structures
  - e.) Type and colors of building materials, exterior façade and facing, fenestration, and fire retardant characteristics



- f.) Special architectural features
- g.) Signs
  - 1. location, height, size and dimensions for all signs, for individual types of signs and for each individual sign
  - 2. design, color(s), lettering, lighting, intensity and appearance of all signs
- 3. Any covenants, easements, or other provisions relating to the development and maintenance of the proposal, public facilities and the like, necessary for the welfare and maintenance of the development and the best interests of the Town.
- 4. Future division of the property among landowners, either by building or other reasonable separations.
- 5. Schedule of construction, including any staging plan, for buildings, structures, parking, open space, landscaping, community facilities and the like.
- 6. Review and approvals of any other Town Official, Agency or Department.
- b. Relation to existing and future land uses and development in the surrounding neighborhood and area, including impact on neighborhood character, property values, appearance, pedestrian and vehicular traffic circulation and flow, and the like.
- c. Relation to the recommendations for the area under consideration of the adopted Town Plan of Development.
- d. Conformity with the Glastonbury Building-Zone Regulations Subdivision Regulations and any other appropriate laws, codes or ordinances.

#### 12.6 Application For Special Permit With Design Review Approval

Every application for a special permit with design review approval shall be made in a form and in accordance with procedures established by the Town Plan and Zoning Commission.

- a. A key map of the neighborhood at a scale of 1" = 200', showing the relation of the proposed development to abutting properties and to existing and proposed streets; and
- b. A site plan, in triplicate, of the parcel, at a scale not smaller than 1" = 100', showing the extent, location and type of all proposed structures, uses, driveway entrances to streets, parking and loading areas in conformance with the requirements of Section 9 of these Regulations, vehicular and pedestrian traffic movement, sidewalks, public spaces, landscaping and landscaped buffers, fences and walls, signs, existing topography and proposed grading, proposals for electric, water and gas supply, sewage disposal, storm drainage, and other improvements. Storm and roof drainage shall be piped to an open outfall or storm drains.

The Town Plan and Zoning Commission may require the applicant to provide additional information in sufficient detail to enable the Commission to clearly visualize what the finished development will look like and how it will be built, provide the Commission as well as other appropriate Town officials with a basis for applying any of the criteria hereinabove set forth and for judging the safety, adequacy and conformance to existing codes and ordinances of the finished site and structures, and provide the Town Building Official with specific criteria upon which the judge the continuing conformance and acceptability in all respects of the completed project.

The applicant, unless otherwise required by the Commission, may submit appropriate and accurate elevations, perspectives, isometric drawings or models, to scale, depicting height, bulk, fenestration, construction materials and other massing, architectural and design features of the proposed development.

#### 12.7 Substantial Construction Within One Year

If substantial construction has not begun on a building or structure, or no use established on a lot, for which a building structure or use special permit with design approval was received from the Town Plan and Zoning Commission after (effective date of these Regulations), within one (1) year from the date of issuance of such special permit for said building, structure or use, such special permit shall become null and void.

In its discretion, and for good cause, the Town Plan and Zoning Commission, upon request of the applicant, may extend for an additional one (1) year the period for the beginning of substantial construction or establishment of a use. Such extension shall be granted only one for any particular special permit.

The Town Plan and Zoning Commission may also, in its discretion and for good cause, upon request of the applicant, approve a staging time table for the start of construction or the establishment of a use, provided that such a staging time table shall include all portions of the proposed development.

#### 12.8 Changes Of Use

Any change in an approved Plan of Development, which is not considered to be a minor change or an insignificant change as set forth in Sections 12.9 and 12.10, shall be processed as a formal amendment to the approved Plan of Development and shall require the preparation of plans and the approval of the Town Plan and Zoning Commission after compliance with all requirements of Section 12. AMENDED EFFECTIVE MAY 30, 1981.

#### 12.9 Minor Changes In An Approved Plan Of Development

Minor changes shall include additions of less than ten percent (10%) to the existing floor area of a building, provisions for additional parking, provision for additional access from the street, and other changes expressly identified as minor changes in these Regulations. The alteration or enlargement of any existing building or structure which was constructed, or use which was commenced, without requiring a special permit with design review, may be deemed a minor change. If the commission determines that the change is a minor change, it may issue a permit for the change with or without conditions after a review by the full commission. The change shall comply with the regulations of the zone in which it is situated and only such provisions of Section 12.4 and 12.5 of these regulations that the commission deems relevant. A Public hearing will not be required. AMENDED EFFECTIVE MAY 30, 1981.

#### 12.10 Insignificant Changes In An Approved Plan Of Development

Insignificant changes shall consist of the location of sidewalks, driveways, and other structures, due to unforeseen topographic or geologic features; slight alterations of finished contours; minor rearrangement of lighting standards, benches and other street furniture. Insignificant changes in an approved Plan of Development may, with concurrence of the Building Official and Chairman of the Town Plan and Zoning Commission, be made, provided such changes shall in no way affect the overall layout, design, density, impact or nature of said Plan of Development. AMENDED EFFECTIVE MAY 30, 1981.

## **SECTION 13**

### **ZONING BOARD OF APPEALS**

- 13.1 Charter Reference
- 13.2 Powers and Duties of Board of Appeals
- 13.3 Rules of Procedure
- 13.4 Minutes and Findings
- 13.5 Vote Required
- 13.6 Appeals to the Board
- 13.7 Stay of Proceedings
- 13.8 Hearings
- 13.9 Criteria for Decisions
- 13.10 Decision of the Board
- 13.11 Applications to the Board
- 13.12 Notice to Contiguous Municipalities of Variance Applications

## **SECTION 13**

### **ZONING BOARD OF APPEALS**

#### **13.1 Charter Reference.**

The Zoning Board of Appeals is duly constituted pursuant to Chapter 124 of the Connecticut General Statutes and Section 203 of the Glastonbury Charter.

#### **13.2 Powers And Duties Of The Zoning Board Of Appeals**

The Zoning Board of Appeals shall have the Following powers and duties

- a. Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Town Building Official in the enforcement of these Regulations.
- b. Variances. To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the zone in which it is situated, a literal enforcement of these Regulations or amendments thereto would result in exceptional difficulty to unusual hardship so that substantial justice will be done and the public safety and welfare secured. No application for a variance from the use provisions of these Regulations (as distinguished from the area, frontage, yard, coverage, height, etc. provisions hereof) shall be voted upon until a report with recommendations thereon has been received from the Town Plan and Zoning Commission, or if no such report has been received, until twenty (20) days after a copy of such application has been sent to the Town Plan and Zoning Commission for its recommendations.
- c. Special exceptions and approvals of location. To hear and decide all matters including special exceptions and approvals of locations, upon which the Board of Appeals is authorized and/or required to pass by the provisions of these Regulations.

### 13.3 Rules Of Procedure

The Board of Appeals shall adopt such rules, regulations and procedures as may be deemed necessary to carry into effect the provisions of these Regulations. These shall include, among other things, regulations relating to notices for meetings and public hearings, forms to be used in the submission of applications, times when meetings and hearings shall be held, procedures for the conduct of meetings and public hearings, and the form and context of written reports of statements of fact and of findings of the Board.

Each rule or regulation and each amendment or repeal thereof shall be filed promptly in the office of the Board and shall be a public record.

### 13.4 Minutes And Findings

The Board of Appeals shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions, all of which shall be filed promptly in the office of the Board and shall be open to public examination at reasonable hours. All findings and actions of the Board shall be in writing and shall set forth the reasons for the action taken, whether it be in favor of or against the granting of an application, petition or appeal.

### 13.5 Vote Required

The concurring vote of four members of the board of Appeals shall be necessary to reverse any order, requirement or decision of the Town Building Official charged with the administration or enforcement of these Regulations or to decide in favor of the applicant any matter upon which it is required to pass under any provision of these Regulations or to vary the application of these Regulations.

### 13.6 Appeals To The Board.

Any person aggrieved by a ruling of the Town Building Official respecting the interpretation, administration or enforcement of these Regulations or any officer, department, board, commission, agency, or bureau of the Town affected by a ruling of the Building Official concerning the interpretation, administration or enforcement of these Regulations may take an appeal to the Board of Appeals. Within 15 days of said ruling.

Such appeals shall be taken within 15 days as is prescribed by a rule adopted by such Board. Such appeals shall be taken by filing with the Building Official and with the Board, upon forms provided by the Board, a notice of appeal specifying the grounds therefore. The Building Official shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

### 13.7 Stay Of Proceedings.

An appeal shall stay all proceedings in furtherance of the action from which appeal is made, unless the building Official certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of facts

stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed, except by a restraining order which may be granted by a court of record on application, on notice to the Building Official and on due cause shown.

### 13.8 Hearings

The Board of Appeals shall within sixty-five (65) days after receipt of the notice of appeal, hear such an appeal and give due notice thereof to the parties. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in Glastonbury at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before such hearing.

The Board of Appeals shall also hold a public hearing on any application to it for a special exception or variance of these Regulations. The Board shall adopt appropriate and reasonable procedures for the timing, notice and conduct of such hearings, except as otherwise provided or required in the Connecticut General Statutes, as amended.

At any hearing, any party may appear in person and may be represented by an agent or by an attorney.

### 13.9 Criteria For Decisions

In addition to the special criteria for making a decision regarding a variance application, the Board of Appeals prior to making its decision regarding any application for a special exception, variance, approval of location, or any other matter requiring Board action in accordance with the provisions of these Regulations, shall consider, at a minimum, in relation to such application or proposal, the following criteria:

#### a. Appropriateness Of Location Or Use.

1. The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Development, the specific zone and the neighborhood;
2. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood and conformity to any adopted neighborhood plan;
3. The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use;
4. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties;
5. The overall effect on values and utilization of neighborhood properties;
6. Unusual topography of the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site;
7. The extent, nature and arrangement of parking facilities, entrances and exists;
8. Problems of fire and police protection;

9. The preservation of the character of the neighborhood;
  10. The availability of adequate sewerage and water supply;
  11. All other standards prescribed by these Regulations.
- b. Conformance. Conformance with the Glastonbury Building-Zone Regulations and, where appropriate, the Glastonbury Subdivision Regulations and any other applicable laws, codes or ordinances.
- c. Safety, Health And Environment. Accessibility for emergency vehicles and equipment, proper utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The board of Appeals may seek reports on the application from appropriate Town departments such as the Police and fire Departments, Town Sanitarian, Town Engineer, Town Building and Conservation Commission.

#### 13.10 Decision Of The Board

The board of Appeals shall render its decision on an appeal within sixty-five (65) days after the hearing thereon. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from and shall make such order, requirement or decision as in its opinion should be made in the premises and shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of these Regulations and of the Connecticut General Statutes. Such order, requirement or decision and any grant of a variance be subject to such conditions and restrictions as appear to the Board to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such conditions or restrictions may include a requirement that the application or petition be submitted to the Town Plan and Zoning Commission for design review of the use, buildings or structures under the provisions of Section 12 of these Regulations.

The Board shall render its decision on an application for a special exception, variance or approval of location within a reasonable period of time after the hearing on such application.

Whenever the Board of Appeals grants or denies any special exception or variance or sustains or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in the Town of Glastonbury and addressed by certified mail to any person who appeals to the Board, by its secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within fifteen (15) days after such decision has been rendered.

Any such exception, variance or reversal shall become effective at such time as is fixed by the Board, provided a copy thereof shall be filed in the office of the Town Clerk.

If substantial construction has not begun on a building or structure, or no use established on a lot, for which building, structure or use a special exception or variance was received from the zoning Board of Appeals after (the effective date of these Regulations), within (2) two years from the date of issuance of such special exception or variance fro said building, structure or use, such special exception or variance shall become null and void. Eff. 12/18/88.

In its discretion, and for good cause, the Zoning Board of Appeals, upon request of the applicant, may extend for an additional one (1) year the period for the beginning of substantial construction or establishment of a use. Such extension shall be granted only once for any particular special exception or variance.



The Zoning Board of Appeals may also, in its discretion and for good cause, upon request of the applicant, approve a staging timetable for the start of construction or the establishment of a sue, provided that such a staging timetable shall include all portions of the proposed development.

#### 13.11 Applications To The Board

Every application or petition for a special exception, variance or for an appeal of an order, requirement or decision by the Town Building Official shall be made on a form prepared and provided by the Board of Appeals. Each such application shall clearly indicate the ownership of the reasons for the application or petition and a site plan map of the property indicating, where applicable:

- a. Property boundaries (existing and proposed).
- b. Location of all structures (existing and proposed).
- c. Location of all streets, driveways and entrances (existing and proposed).
- d. Location of all parking areas and parking stalls.
- e. Location of all off-street loading areas.
- f. Location of usable open space.
- g. Proposed ground coverage.
- h. Position of fences and walls (materials specified).
- i. Position of screen planting (type of planting specified).
- j. Proposed means of surface drainage.
- k. Location of all easements, rights-of way, conduits and the like.

#### 13.12 Notice To Contiguous Municipalities Of Variance Applications

Whenever the Board of Appeals has before it for consideration an application for a variance in the use of property any portion of which lies within five hundred (500) feet of a contiguous municipality, the Board shall, at least one (1) week prior to the hearing thereon, notify the clerk of such municipality, in writing, of the fact of such application and of the date fixed by it for such hearing.

## **SECTION 14**

### **TOWN PLAN AND ZONING COMMISSION**

- 14.1 Charter reference
- 14.2 Powers and duties of the Town Plan and Zoning Commission
- 14.3 Rules of procedure
- 14.4 Minutes and findings
- 14.5 Hearings
- 14.6 Decision of the Commission
- 14.7 Application to the Commission

## **SECTION 14**

### **TOWN PLAN AND ZONING COMMISSION**

#### **14.1 Charter Reference**

The Town Plan and Zoning Commission is duly constituted pursuant to Chapter 126 of the Connecticut General Statutes and Section 802 of the Glastonbury Charter.

#### **14.2 Powers And Duties Of The Town Plan And Zoning Commission**

The Town Plan and Zoning Commission shall have the following powers and duties, in addition to any other powers and duties afforded to it by any statute, code or ordinance, by the Glastonbury Subdivision Re-subdivision Regulations, or by these Regulations

- a. Special permits, other permits, waivers and design review approvals. The Commission shall hear and decide all matters including special permits, sign permits and excavation permits, waivers (such as waivers of distance limitations under 6.1 of these Regulations), and design review approvals, upon which the Commission is authorized and/or required to pass upon by the provision of these Regulations, subject to any requirements of such provisions.
- b. Planned area developments. The Commission shall review, consider, act upon and make recommendations to the Town Council on any proposed Planned Area Development Zone in accordance with the provisions of Section 4.12 of these Regulations.
- c. Open space subdivisions and rear lot approvals. The Commission shall review, consider and act upon all applications for open space subdivisions and rear lot approvals in accordance with the provisions of 6.7 and 6.8 of these Regulations.
- d. Amendments. The Commission shall be requested by the Town Council to make a recommendation on any proposed change in or amendment of these Regulations, including the Building-Zone map, in the manner and within the time provided by the Connecticut General Statutes.

#### **14.3 Rules Of Procedure**

The Commission shall adopt such rules, regulations and procedures as may be deemed necessary to carry into effect the provisions of these Regulations. These shall include, among other things regulations relating to notices for meetings and public hearings, forms to be used in the submission of applications, times when meetings and hearings shall be held, procedures for the conduct of meetings and public hearings, and the form and context of written report of statements of fact and of findings of the Commission. Each rule or regulation and each amendment or repeal thereof shall immediately be filed in the office of the Commission and shall be a public record.

#### 14.4 Minutes And Findings

The Commission shall keep minutes of its proceedings, recording each action of the Commission and the vote of each member and each alternate member, when seated, upon each action, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed promptly in the office of the Commission and shall be open to public examination at reasonable hours. All findings and actions of the commission shall be in writing and shall set forth the reasons for the action taken whether it be in favor of or against the granting of an application.

#### 14.5 Hearings

The Commission shall hold a public hearing whenever required by the Connecticut General Statutes, as amended, and may hold a public hearing on any application to it for any other matter. The Commission shall adopt appropriate and reasonable procedures for the timing, notice and conduct of such hearings, except as otherwise provided or required in the Connecticut General Statutes, as amended.

At any hearing, any party may appear in person and may be represented by an agent or by an attorney.

#### 14.6 Decision Of The Commission

The Commission shall render its decision on an application for a special permit or any other matter, unless otherwise required by the Connecticut General Statutes, as amended, within a reasonable time after it receives such application or matter and may set such conditions, as it deems appropriate in making its decisions.

Any such decision shall become effective at such time as it is fixed by the Commission, or, if no time is fixed, as of the date notice of the decision is first published.

#### 14.7 Application To The Commission

Every application for a special permit or other matter shall be made on a form prepared and provided by the Commission. Each such application for a special permit shall clearly indicate the ownership of the property involved and include, at a minimum, a statement by the applicant of the reasons for the application and a site plan map of the property in accordance with the provisions of Section 12.6 of these Regulations.

## **SECTION 15 POSTING OF SIGNS**

Whenever a person takes an appeal from a decision of the Building Official or seeks a variance or special exception from the Zoning Board of Appeals or a special permit from the town Plan and Zoning Commission, whichever is the appropriate agency in the particular case, and a public hearing is to be held by the appropriate agency on such appeal, variance, special exception or special permit, the appellant, or applicant, shall cause a sign to be placed on the property which is the subject of said appeal, variance, special exception or special permit, the appellant, or applicant, shall cause a sign to be placed on the property which is the subject of said appeal, variance, special exception, or special permit, said sign to be placed at or near a street line or traveled way or in such other location that it will be clearly visible to the general public. Such sign, to be provided by the town, shall, except for the wording thereon, be installed by the appellant or applicant not less than ten (10) days before the hearing on said appeal, variance, special exception, or special permit, and shall be removed and returned to the Town by said appellant or applicant within five (5) days after such hearing.

INTRODUCED: 11/25/86

PUBLIC HEARING: 12/8/86

APPROVED: 12/17/86

EFFECTIVE: 12/27/86

## **SECTION 16**

### **AMENDMENTS AND BUILDING-ZONE MAP CHANGES**

Pursuant to and in accordance with the provisions of Section 307 of the Glastonbury Charter, the Town Council, acting as the Zoning Commission of the Town of Glastonbury, shall have the power to enact, amend or repeal any Building-Zoning Regulation, provided no such regulation shall be enacted, amended or repealed, nor any public hearing held thereon, until the Town Council shall have received a recommendation thereon from the Town Plan and Zoning Commission, or until thirty-five (35) days shall have elapsed after the Council has requested such a recommendation from such Commission.

In enacting zoning regulations, the Council shall adhere to the procedural requirements of Section 8-3 of the Connecticut General Statutes, as amended, rather than the enactment procedures of the Charter. Additionally, notice of the Public Hearing on changes to the Building-Zone Map shall be sent by mail at least 10 days before said hearing to the Assessor's record owners of land within 500' of the area to be rezoned. Said notice shall indicate the time, date and place of the hearing, the location of the property to be rezoned and that copies of the application are available in an appropriate location for inspection.

The Town Plan and Zoning Commission shall make recommendations to the Town Council for Public Hearing and enactment of any amendments, modifications, additions, or repeal of a Building-Zoning regulation, including changes to the Building-Zone Map.

## **SECTION 17**

### **SEPARABILITY (VALIDITY)**

If any section, sub-section, paragraph, subdivision, clause, or provision of these Regulations shall be adjudged invalid, such decision shall apply only to the section, sub-section, paragraph, subdivision, clause or provision in question, and the remainder of these Regulations shall be deemed valid and effective.



## **SECTION 18**

### **EFFECTIVE DATE**

These Regulations shall take effect October 22, 1973. Wherever in these Regulations phrases such as "actual date of adoption of these Regulations," "the effective date of these Regulations" or the like are used, they shall be deemed to refer to the above-mentioned effective date, October 22, 1973.

